

ASSEMBLY BILL

No. 352

Introduced by Assembly Member Solorio

February 14, 2007

An act to amend Section 626.10 of the Penal Code, relating to weapons.

LEGISLATIVE COUNSEL'S DIGEST

AB 352, as introduced, Solorio. Weapons.

Existing law, subject to exception, provides that any person who brings or possesses, among other things, any instrument that expels a metallic projectile such as a BB or pellet through the force of air pressure, CO₂ pressure, or spring action, upon the grounds of, or within, any public or private school providing instruction in kindergarten or any of grades 1 to 12, inclusive, is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year, or by imprisonment in the state prison. Existing law excludes from this offense a person who brings such an instrument with the written permission of the school principal or his or her designee.

This bill would expand the scope of the offense to include bringing or possessing any instrument that expels a nonmetallic BB or pellet.

By changing the scope of an existing offense, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 626.10 of the Penal Code is amended to
2 read:
3 626.10. (a) Any person, except a duly appointed peace officer
4 as defined in Chapter 4.5 (commencing with Section 830) of Title
5 3 of Part 2, a full-time paid peace officer of another state or the
6 federal government who is carrying out official duties while in
7 this state, a person summoned by any officer to assist in making
8 arrests or preserving the peace while the person is actually engaged
9 in assisting any officer, or a member of the military forces of this
10 state or the United States who is engaged in the performance of
11 his or her duties, who brings or possesses any dirk, dagger, ice
12 pick, knife having a blade longer than 2 ½ inches, folding knife
13 with a blade that locks into place, a razor with an unguarded blade,
14 a taser, or a stun gun, as defined in subdivision (a) of Section 244.5,
15 any instrument that expels a metallic ~~projectile such as a~~ or
16 nonmetallic BB or a pellet, through the force of air pressure, CO₂
17 pressure, or spring action, or any spot marker gun, upon the
18 grounds of, or within, any public or private school providing
19 instruction in kindergarten or any of grades 1 to 12, inclusive, is
20 guilty of a public offense, punishable by imprisonment in a county
21 jail not exceeding one year, or by imprisonment in the state prison.
22 (b) Any person, except a duly appointed peace officer as defined
23 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part
24 2, a full-time paid peace officer of another state or the federal
25 government who is carrying out official duties while in this state,
26 a person summoned by any officer to assist in making arrests or
27 preserving the peace while the person is actually engaged in
28 assisting any officer, or a member of the military forces of this
29 state or the United States who is engaged in the performance of
30 his or her duties, who brings or possesses any dirk, dagger, ice
31 pick, or knife having a fixed blade longer than 2 ½ inches upon
32 the grounds of, or within, any private university, the University of
33 California, the California State University, or the California
34 Community Colleges is guilty of a public offense, punishable by

1 imprisonment in a county jail not exceeding one year, or by
2 imprisonment in the state prison.

3 (c) Subdivisions (a) and (b) do not apply to any person who
4 brings or possesses a knife having a blade longer than 2 ½ inches
5 or a razor with an unguarded blade upon the grounds of, or within,
6 a public or private school providing instruction in kindergarten or
7 any of grades 1 to 12, inclusive, or any private university, state
8 university, or community college at the direction of a faculty
9 member of the private university, state university, or community
10 college, or a certificated or classified employee of the school for
11 use in a private university, state university, community college,
12 or school-sponsored activity or class.

13 (d) Subdivisions (a) and (b) do not apply to any person who
14 brings or possesses an ice pick, a knife having a blade longer than
15 2 ½ inches, or a razor with an unguarded blade upon the grounds
16 of, or within, a public or private school providing instruction in
17 kindergarten or any of grades 1 to 12, inclusive, or any private
18 university, state university, or community college for a lawful
19 purpose within the scope of the person's employment.

20 (e) Subdivision (b) does not apply to any person who brings or
21 possesses an ice pick or a knife having a fixed blade longer than
22 2 ½ inches upon the grounds of, or within, any private university,
23 state university, or community college for lawful use in or around
24 a residence or residential facility located upon those grounds or
25 for lawful use in food preparation or consumption.

26 (f) Subdivision (a) does not apply to any person who brings an
27 instrument that expels a metallic projectile such as a BB or a pellet, through the force of air pressure, CO₂ pressure, or
28 spring action, or any spot marker gun upon the grounds of, or
29 within, a public or private school providing instruction in
30 kindergarten or any of grades 1 to 12, inclusive, if the person has
31 the written permission of the school principal or his or her designee.

32 (g) Any certificated or classified employee or school peace
33 officer of a public or private school providing instruction in
34 kindergarten or any of grades 1 to 12, inclusive, may seize any of
35 the weapons described in subdivision (a), and any certificated or
36 classified employee or school peace officer of any private
37 university, state university, or community college may seize any
38 of the weapons described in subdivision (b), from the possession
39 of any person upon the grounds of, or within, the school if he or
40

1 she knows, or has reasonable cause to know, the person is
2 prohibited from bringing or possessing the weapon upon the
3 grounds of, or within, the school.

4 (h) As used in this section, “dirk” or “dagger” means a knife or
5 other instrument with or without a handguard that is capable of
6 ready use as a stabbing weapon that may inflict great bodily injury
7 or death.

8 SEC. 2. No reimbursement is required by this act pursuant to
9 Section 6 of Article XIII B of the California Constitution because
10 the only costs that may be incurred by a local agency or school
11 district will be incurred because this act creates a new crime or
12 infraction, eliminates a crime or infraction, or changes the penalty
13 for a crime or infraction, within the meaning of Section 17556 of
14 the Government Code, or changes the definition of a crime within
15 the meaning of Section 6 of Article XIII B of the California
16 Constitution.